

REMARKS

Reconsideration of the subject application is requested in view of the foregoing amendments and the following remarks.

The amendments to the specification are to correct readily discernible typographical errors discovered during a re-reading of the specification as a preface for preparing this paper. No new matter is submitted.

Claims 4-8, 10-11, 14-25, and 27-34 are the subject of the Office action in view of the prior cancellation of claims 1-3, 9, 12-13, 26, and 35-37.

In this paper, claim 5 is amended to provide antecedent basis for "processor" recited elsewhere in the claim.

Claims 4-8 and 27-34 stand rejected for alleged anticipation (35 U.S.C. §102(e)) by Peck. This rejection is traversed.

Independent claim 4 is directed to a communication device that comprises a register configured to store a user identifier, a transmitter configured to transmit the user identifier to a network, and a subscriber identity module (SIM), wherein the user identifier is associated with a serial number assigned to the SIM. The Office action appears to contend that col. 3, lines 51-57 and col. 4, lines 53-62 of Peck disclose a user identifier associated with a serial number assigned to the SIM card. This contention is incorrect.

The serial number assigned to the SIM card, as recited in claim 4, is the serial number assigned to the SIM card itself by the manufacturer of the SIM card, usually at the time of manufacture of the SIM card. Specification page 6, lines 1-3. This serial number often is printed on the SIM card itself and may be programmed by the manufacturer into the memory of the SIM card. This serial number is based on, for example, date and time of manufacture of the SIM card, manufacturer batch number, and/or other identifiers provided by the manufacturer. Specification page 6, lines 3-10. Later, at time of sale or delivery of the SIM card to a user (usually at the time the SIM card is inserted into a particular communication device, such as a cell phone, being sold to a customer), other data are programmed into the memory of the SIM card. Specification, page 5, lines 4-6. For example, at time of sale the SIM card may be programmed with an IMSI. Specification page 5, lines 22-25. But, it can readily be seen that this IMSI data programmed later into the SIM card is not the serial number assigned to the SIM card itself. It can also be

seen that the serial number assigned to the SIM card does not include data that is specific to the user of the communication device because that serial number was assigned to the SIM card before the SIM card was sold or otherwise delivered to a particular user. In contrast, data programmed later into the SIM card at time of sale or delivery of the SIM card to a user typically does include some user-specific information.

Claim 4 recites that the user identifier is associated with the serial number assigned to the SIM card. As noted above, the serial number assigned to the SIM card has no connection with any user; it pertains only to the particular SIM card. Consequently, use of this serial number by a user allows the user to be and to remain anonymous, by which is meant that the identity of (and/or personal data concerning) the user cannot be ascertained easily or readily (or at all) from the serial number. This anonymity prevents or at least inhibits other persons or entities from having or gaining access, via that serial number, to sensitive personal information about the user. Specification page 4, lines 19-23; page 5, lines 21-28; page 6, lines 11-15. This anonymity is particularly important whenever the communication device is being used by the user for obtaining information from a content provider, wherein the user does not want the content provider to have, for example, the user's phone number or other personal information that would allow the content provider to contact the user. Specification page 6, line 21 to page 7, line 1.

Peck does not teach or suggest having a user identifier be associated with a serial number assigned to the SIM card. The cited text of Peck in col. 3, lines 51-57, states the following:

The validation method of the present invention uses a terminal-based ESN for registration in the first network, a SIM-based ESN for a key-based authentication process in the first network, and a non-ESN key-based authentication process in the second network. The dual-mode terminal stores the terminal-based ESN, and the SIM card stores the SIM-based ESN.

The "terminal-based ESN" referred to in the text is not the instantly claimed serial number assigned to the SIM card. Rather, the terminal-based ESN is an electronic ID number (serial number) assigned to the communication device (e.g., cell phone itself) by the manufacturer of the communication device. Col. 1, lines 37-38. As stated in the instant specification, "content personalization based on device serial numbers is limited to customization based on a communication device that may or may not be associated with a particular user." Page 4, lines 24-27. Hence, the terminal-based ESN does not provide sufficient user specificity. The "SIM-

"based ESN" referred to in the text appears to be a serial number assigned to the SIM card. See col. 1, lines 40-44. However, Peck does not teach or suggest the SIM-based ESN being used for, or being suitable for use as, a user identifier. Rather, in the GSM mode of use of the Peck "dual-mode" terminal 24, user identification for registration purposes is based on the terminal-based ESN and on the "MIN," the latter being a "mobile identification number" that is a subscriber-specific identification number. Col. 1, lines 38-39, 44-47, and 58-61; col. 3 lines 10-13; col. 5, lines 17-27.

The Office action also cited col. 4, lines 53-62 of Peck, which states:

The mobile subscribers of the system 10 each carry a mobile terminal, which in the preferred embodiment of the invention comprises a dual-mode terminal 24 capable of operating in the GSM and AMPS networks 12 and 14. As described later in detail, the dual-mode terminal 24 includes a removable Subscriber Information Module (SIM) card, similar to the one used by an existing GSM mobile terminal, which carries subscriber identification, billing information and other information concerning the operation of the dual-mode terminals.

Based on the discussion earlier above, it can be readily seen that this text simply states, *inter alia*, that the subject mobile terminal is "dual-mode" (operating in the GSM and AMPS modes) and that the subject mobile terminal has an SIM card that contains subscriber information. But, nothing in this text teaches or suggests a user identifier being associated with a serial number assigned to the SIM, as required by claim 4.

Therefore, claim 4 and its dependents are properly allowable over Peck. Claims depending from claim 4 are properly allowable over Peck for all the reasons discussed above concerning claim 4 and because each of these dependent claims sets for a new combination of features, including the combination recited in claim 4, that is allowable in its own right over Peck. Also, the other contentions in the Office action regarding claims 5-6 and 27-34 are moot in view of the above.

Claim 7 is directed to a cell phone that comprises a display configured to display data and commands, a user input interface for data entry and command entry, a subscriber identity module (SIM) that includes a SIM serial number, and a transmitter configured to transmit the SIM serial number to a network. The SIM serial number in this claim is as discussed above in connection

with claim 4, and the deficiencies of Peck with respect to this feature and any use thereof are also discussed above.

Therefore, claim 7 and its dependent claim 8 are properly allowable over Peck. Claim 8 is properly allowable over Peck for all the reasons discussed above concerning claim 7 and because this dependent claim sets for a new combination of features, including the combination recited in claim 7, that is allowable in its own right over Peck. Also, the other contentions in the Office action regarding claim 8 are moot in view of the above.

Claims 10-11 and 14-25 stand rejected for alleged obviousness from a combination of Parsons and Peck. This rejection is traversed.

Claim 10 is directed to a content provider that is configured to communicate with one or more mobile stations. The content provider comprises a content personalization interface that is configured to receive an anonymous user identifier from at least one of the mobile stations. The anonymous user identifier is based on a SIM serial number.

The SIM serial number in this claim is as discussed above, and is used as an anonymous user identifier. Again, see discussion above.

Applicant agrees with the admission on page 5 of the Office action that "Parsons . . . differs from the claimed invention by not mentioning the user identifier is based on a SIM serial number." However, despite the subsequent contention in the Office action, Peck does not fulfill this deficiency of Parsons for reasons as discussed earlier above.

Therefore, claim 10 and its dependent claim are properly allowable over any combination of Parsons and Peck. Claim 11 depending from claim 10 is properly allowable over Parsons and Peck for all the reasons discussed above concerning claim 10 and because this dependent claim sets for a new combination of features, including the combination recited in claim 10, that is allowable in its own right over Parsons and Peck. Also, the other contentions in the Office action regarding claim 11 are moot in view of the above.

Claim 14 is directed to a content provider that comprises a personalization interface and a processor. The personalization interface is configured to receive anonymous personalization data that includes an anonymous user identifier associated with a SIM serial number. The processor is configured to provide content to a user based on the anonymous personalization data. The SIM serial number referred to in this claim is as discussed above, and is used as anonymous personalization data. Again, see discussion above.

Applicant agrees with the admission on page 5 of the Office action that "Parsons . . . differs from the claimed invention by not mentioning the user identifier is based on a SIM serial number." However, despite the subsequent contention in the Office action, Peck does not fulfill this deficiency of Parsons for reasons as discussed earlier above.

Therefore, claim 14 and its dependent claims are properly allowable over any combination of Parsons and Peck. Claims 15-20 depending from claim 14 are properly allowable over Parsons and Peck for all the reasons discussed above concerning claim 14 and because each of these dependent claims sets for a new combination of features, including the combination recited in claim 14, that is allowable in its own right over Parsons and Peck. Also, the other contentions in the Office action regarding claims 15-20 are moot in view of the above.

Claim 21 is directed to a method of providing personalized content in a wireless communication network. The method comprises selecting an anonymous user identifier based on a SIM serial number, and selecting content based on the user identifier. The SIM serial number referred to in this claim is as discussed above, and is used as anonymous personalization data. Again, see discussion above.

Applicant agrees with the admission on page 7 of the Office action that "Parsons . . . differs from the claimed invention by not mentioning the user identifier is based on a SIM serial number." However, despite the subsequent contention in the Office action, Peck does not fulfill this deficiency of Parsons for reasons as discussed earlier above.

Therefore, claim 21 and its dependent claims are properly allowable over any combination of Parsons and Peck. Claims 22-24 depending from claim 21 are properly allowable over Parsons and Peck for all the reasons discussed above concerning claim 21 and because each of these dependent claims sets for a new combination of features, including the combination recited in claim 21, that is allowable in its own right over Parsons and Peck. Also, the other contentions in the Office action regarding claims 22-24 are moot in view of the above.

Claim 25 is directed to a method of obtaining anonymous personalized content. The method comprises selecting an anonymous user identifier based on a serial number assigned to a subscriber identification module, and identifying content for delivery based on the anonymous user identifier. The "serial number assigned to a subscriber identification module" referred to in this claim is as discussed above, and is used as an anonymous user identifier. Again, see discussion above regarding the lack of any teaching or suggestion in Parsons of this step. Peck

does not fulfill the deficiency of Parsons for reasons as discussed earlier above. Therefore, claim 25 is properly allowable over any combination of Parsons and Peck.

The subject claims are in condition for allowance, and early action to such end is requested.

Applicant is entitled to an interview at this stage of prosecution. If any issues remain after consideration and entry of this paper, the examiner is requested to contact the undersigned to schedule a telephonic interview. If the examiner fails to make such contact and issues a final action, Applicant rightfully will understand that his right to an interview after the final action remains undiminished.

Respectfully submitted,

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